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PCT/CH2002/000018



## PATENT COOPERATION TREATY

**PCT****INTERNATIONAL PRELIMINARY EXAMINATION REPORT**

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference Cas 2112PCT/CM	<b>FOR FURTHER ACTION</b>	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)
International application No. PCT/CH2002/000018	International filing date (day/month/year) 11 janvier 2002 (11.01.2002)	Priority date (day/month/year) 11 January 2002 (11.01.2002)
International Patent Classification (IPC) or national classification and IPC E03C 1/06, B05B 1/30		
Applicant	FENTROUCI, Hasnne	

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 10.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 3 sheets.

3. This report contains indications relating to the following items:

- I  Basis of the report
- II  Priority
- III  Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV  Lack of unity of invention
- V  Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI  Certain documents cited
- VII  Certain defects in the international application
- VIII  Certain observations on the international application

Date of submission of the demand 04 novembre 2002 (04.11.2002)	Date of completion of this report 24 March 2004 (24.03.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/CH2002/000018

## I. Basis of the report

## 1. With regard to the elements of the international application:\*

 the international application as originally filed the description:

pages \_\_\_\_\_ 1-12 \_\_\_\_\_, as originally filed

pages \_\_\_\_\_, filed with the demand

pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

 the claims:

pages \_\_\_\_\_, as originally filed

pages \_\_\_\_\_, as amended (together with any statement under Article 19)

pages \_\_\_\_\_, filed with the demand

pages \_\_\_\_\_ 1-10 \_\_\_\_\_, filed with the letter of 16 February 2004 (16.02.2004)

 the drawings:

pages \_\_\_\_\_ 1/6-6/6 \_\_\_\_\_, as originally filed

pages \_\_\_\_\_, filed with the demand

pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

 the sequence listing part of the description:

pages \_\_\_\_\_, as originally filed

pages \_\_\_\_\_, filed with the demand

pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

## 2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

 the language of a translation furnished for the purposes of international search (under Rule 23.1(b)). the language of publication of the international application (under Rule 48.3(b)). the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

## 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

 contained in the international application in written form. filed together with the international application in computer readable form. furnished subsequently to this Authority in written form. furnished subsequently to this Authority in computer readable form. The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished. The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.4.  The amendments have resulted in the cancellation of: the description, pages \_\_\_\_\_ the claims, Nos. \_\_\_\_\_ 11-15 \_\_\_\_\_ the drawings, sheets/fig \_\_\_\_\_5.  This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

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## V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

## 1. Statement

Novelty (N)	Claims	1-10	YES
	Claims		NO
Inventive step (IS)	Claims	1-10	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-10	YES
	Claims		NO

## 2. Citations and explanations

## 1. Reference is made to the following documents:

D1: FR-A-2 792 701

D2: DE-A-1 095 757

- 1.1 Claim 1 includes all of the technical features in claim 6 and is thus dependent thereon. To comply with the requirements of PCT Rule 6.4, it should have been drafted as a claim dependent on claim 6.
- 1.2 For the purposes of the present report, claim 6 has been considered to be the sole independent claim.
- 2.1 D1 describes (the reference signs between parentheses apply to this document) a two-way shower pipe valve (A) releasably connectable to the shower hose and to a shower head (cf. page 4, lines 33-36), wherein said valve includes a body housing a portion of a core with a longitudinal water channel (1) extending therethrough from the valve inlet to the valve outlet, the valve includes at least one actuating flap assembly (A, C), guide means (2) for guiding the actuating assembly into an inoperative position, which actuating flap assembly can be moved

substantially perpendicularly to the longitudinal axis of the channel (figures 1 and 2) between a partially or fully closed position in which a lower flap portion of the assembly partially or fully seals the channel (figure 1), and an inoperative position in which water can flow freely through the core channel from the valve inlet to the valve outlet (figure 2), and said actuating flap assembly includes an upper portion (4) extending out of the valve body and arranged to enable the assembly to be moved from the inoperative position into the position in which the channel is partially or fully closed when the valve is inserted into a recess in a shower wall fitting of which the shape matches the outer shape of the valve body (B, page 4, lines 33-36).

- 2.2 Therefore, the subject matter of claim 6 differs from this known valve in that the return means are placed inside the longitudinal water flow channel.

It follows that the subject matter of claim 6 is novel (PCT Article 33(2)).

- 2.3 The problem that the present invention is intended to solve is that of providing a compact device that can be readily incorporated into a shower pipe.

- 2.4 The solution proposed by the invention is considered to involve an inventive step (PCT Article 33(3)) since it is not obvious from the known prior art. Neither the device of D1 (FR-A-2 792 701) nor that of D2 (DE-A-1 095 757) would prompt a person skilled in the art to place the spring inside the water flow channel. In both of the known devices, the return

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spring is positioned around the upper portion of the plunger to avoid disrupting the water flow.

- 2.5 Neither of said two documents would prompt a person skilled in the art to provide an angled surface on the actuating flap in order to use the force of the water to move the actuating assembly into the inoperative position.
3. Therefore, dependent claims 1 to 5 and 7 to 10, which are dependent on claim 6, also comply with the requirements of novelty and inventive step of the PCT.
4. Furthermore, all of the claims are industrially applicable (PCT Article 33(4)).